IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 18645 of 2005

DATE OF DECISION :1.12.2006

Anita Punia

.....PETITIONER

VERSUS

Chaudhary Charan Singh, Haryana Agricultural, University, Hisar and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr.Sandeep Kotla, Advocate for petitioner.
Mr. Pankaj Maini, Advocate for
Mr.Girish Agnihotri, Advocate for respondents.

M.M.KUMAR,J.

It remains undisputed on facts as well as law that the matter in issue is similar to the one raised in CWP No. 19383 of 2005 (**Jitender Kumar vs Chaudhary Charan Singh, Haryana Agricultural University,Hisar and others),** which has been decided against that petitioner by a Division Bench of this Court on 2.5.2006.

The petitioner was appointed on contract basis in a project of the University in a Department of Zology in Basic Science on 27.6.1998. On 17.1.2000 she was shifted to the Department of Plant Breeding as Senior Research Fellow. She was again shifted to the Department of Veterinary Parasitology College of Veterinary Science in respondent-University on

7.2.2003, where she remained serving upto 30.11.2003. Still further she was shifted to the Department of Biotechnology and Molecular Biology in the respondent-University and has been working as a Research Associate till the date of filing the writ petition.

The stand of the respondents in the written statement is that the petitioner had worked in various projects and she was appointed as a Research Associate in the project known as 'Genetic Improvement of Cellulolytic Fungi for Cellulase Production' in the scheme funded by DBT C(g) BMB-12 OA under the Principal Investigator Dr.Kamla Chaudhary at a fixed and consolidated salary of Rs.8800/-+ admissible allowances as per guide-lines of the funding agency. As per terms and conditions of the petitioner's appointment as Research Associate (Annexure P-1), her appointment was co-terminus with the project and on expiry of term of the project, she was to be relieved. The funding agency vide letter dated 24.11.2002 is stated to have intimated that the said project would be terminated w.e.f. 30.11.2005 (Annexure R-1). Accordingly, the petitioner has been relieved from service on 30.11.2005. The facts of this case are similar to the one in CWP No.19383 of 2005, which has been dismissed in view of the judgment of the Hon'ble Supreme Court in the case of **Rajinder and others vs State of Rajasthan and others (1999)2 SCC 317** wherein it has been held that when posts temporarily created for fulfilling the needs of a particular project or scheme limited in its duration comes to an end because the need for the project comes to an end either because the need was fulfilled or the project had to be abandoned wholly or partially for want of funds, the employer cannot by a writ in the nature of Mandamus be

directed to continue employing such employees. In addition, the law has also been laid by the Supreme Court in the case of **Secretary State of Karnataka and others vs Uma Devi JT 2006(4) SC 420.**

In view of the above, we dismiss the writ petition in view of the judgment of this Court in **Rajinder's case (supra).** However, we make it clear that if the project , in which the petitioner was working, is revived then she shall be considered in accordance with law by preferring her over others and `the experience acquired by her shall be considered.

(M.M.KUMAR)
JUDGE

December 1 ,2006 (M.M.S.BEDI)
TSM JUDGE